

**TRANSPLAN Committee**  
**East Contra Costa Transportation Planning**  
Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County

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June 7, 2005

Jon Rubin  
Chair  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland CA 94607

Dear Chair Rubin:

I am writing to express our serious concerns with the Draft Transit-Oriented Development Policy drafted by the Metropolitan Transportation Commission. I hope MTC will consider this input as it prepares for its Planning and Operations Committee meeting on June 10.

The TRANSPLAN Committee is a joint powers agency that coordinates the transportation interests of the five local jurisdictions of eastern Contra Costa County. TRANSPLAN is composed of local elected officials and planning commissioners. We are the designated regional transportation planning committee for eastern Contra Costa, within the countywide transportation planning and growth management program overseen by the Contra Costa Transportation Authority. It is our region in which the planned eBART system is being developed, in a collaborative effort between our local jurisdictions, BART, and the Contra Costa Transportation Authority.

It is regrettable that MTC apparently has declined our request to extend its deadline for approving the final policy for a few more months, to give our local staffs and policy-makers a chance to fully understand the policy and gauge its impacts on our communities.

Following are the specific concerns we have with the Draft TOD Policy.

First, we believe the policy is unnecessary. The eastern Contra Costa jurisdictions already are working with BART on ridership development plans to generate as much ridership as possible for eBART. This work-in-progress will meet the needs of both BART and the local jurisdictions, and is being developed cooperatively as part of the eBART project development process. East Contra Costa appreciates the funding contribution MTC has made to this effort. The planning effort will address the "three key elements" of your draft TOD policy (corridor level goals, local station-area plans that address land use and other items, and corridor working groups that bring together various agencies). Since we are addressing these items in our work with BART, the MTC policy is unnecessary.

Second, we question whether the \$96 million in eBART funds from Regional Measure 2 should even be subject to the TOD Policy, which MTC states will be applied to “regional discretionary” funds. By MTC’s own definition, funds allocated to a specific project through a ballot measure are committed, not discretionary. In MTC’s “*2005 Transportation Improvement Program*,” the financial discussion in Appendix 12 differentiates between “committed” funds, which include voter-approved ballot measures, and “uncommitted discretionary funding available to undertake new projects and programs.” The document explains that committed funds consist of those committed “by law, voter mandates or recent MTC programming actions.” Similarly, in MTC’s “*Moving Costs: A Transportation Funding Guide for the San Francisco Bay Area*,” none of the voter-approved measures, whether bridge-toll or county sales-tax, are listed as “discretionary.” Nor did the voters, to our knowledge, approve MTC’s TOD goal of “developing vibrant transit villages” when they passed Regional Measure 2. While it may be a worthy goal where it is applicable, the TOD goal should not be a factor in allocating committed funds approved by voters in Regional Measure 2. I also note the legislation that led to Regional Measure 2 -- Senator Perata’s bill, SB 916 -- specifically indicated the eBART funds would be conditional on meeting BART policies, not MTC policies.

Third, we see an inequity in MTC applying this new policy to the eBART Corridor, when MTC historically has allocated substantial funding for rail extensions in other areas that, as far as we know, did not have to comply with such a policy.

Fourth, the Draft TOD Policy does not seem to include any information that ties the TOD development targets to ridership targets on eBART. This makes the development targets in MTC’s policy seem arbitrary and unrelated to the ridership targets on which we are working with BART. Even if the target development numbers in MTC’s TOD policy are achievable, that does not mean they are necessary for a viable eBART system. This comment is based on TRANSPLAN staff’s understanding of how MTC and its consultants developed the target numbers. If this understanding is inaccurate please let us know.

Fifth, the TOD policy appears to impose land-use planning requirements on local governments. As far as we are aware, MTC lacks the authority to do this. Another reflection of this is found in a staff memo from MTC relating to the TOD policy. On page 2 of the “Memo to POC-- Resolution 3434 Update” dated May 13, 2005, MTC staff states “*MTC will not require any minimum amount of affordable housing in the corridors...*” We are not aware MTC has the authority to require affordable housing. If MTC has been granted the authority through statute to impose such requirements on local governments, please let us know.

Sixth, the TOD policy (as far as we are aware) was developed without input from the jurisdictions of eastern Contra Costa County, who stand the most to lose from it. Given that the eBART Corridor is one of the “case study corridors” MTC used to develop the policy, it would have been useful to gain eastern Contra Costa’s input before MTC wrote the policy. As it is, our role is limited to commenting on a policy that is already developed. MTC staff has indicated they are now meeting with local planners from eastern Contra Costa jurisdictions. Such consultations would have been helpful earlier in the process before the TOD policy was written.

-letter to Jon Rubin, MTC

-June 7, 2005

Seventh and lastly, we believe there are other aspects of the eBART system that will have a greater impact on ridership, such as the nature and location of the transfer point between eBART and BART, the exact station locations, and frequency and quality of service, to name a few. The TOD policy has been developed without knowing any of these details.

These criticisms aside, TRANSPLAN shares your belief in the need to coordinate land use planning and transportation planning. We are confident this need will be addressed through the ongoing collaborative efforts between eastern Contra Costa County and BART. MTC's Draft TOD Policy is unnecessary in the eBART Corridor, and the policy suffers from problems of substance, process, timing, and inadequate communications.

If you have questions about this letter, please feel free to contact me. You also may have your staff contact John Greitzer, TRANSPLAN staff, at (925) 335-1201. This issue will be on the agenda of the TRANSPLAN Committee at its next monthly meeting on June 16.

Sincerely,

A handwritten signature in cursive script, reading "Annette Beckstrand".

Annette Beckstrand

Chair

TRANSPLAN Committee

C:      Members, TRANSPLAN Committee  
         Members, eBART Partnership Policy Advisory Committee  
         Mark DeSaulnier, MTC Contra Costa County  
         Irma Anderson, MTC Contra Costa Cities  
         Members, TRANSPLAN Technical Advisory Committee  
         City Managers of Antioch, Brentwood, Oakley and Pittsburg  
         Steve Heminger, MTC  
         Tom Margro, BART  
         Robert McCleary, Contra Costa Transportation Authority  
         Barbara Neustadter, TRANSPAC  
         Patrick Roche, Contra Costa County  
         Ellen Smith, BART